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NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA

Report of the Secretary-General

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I. INTRODUCTION

1. On 24 November 1992, the General Assembly adopted resolution 47/19, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". The resolution reads as follows:

"The General Assembly,

"Determined to encourage strict compliance with the purposes and principles enshrined in the Charter of the United Nations,

"Reaffirming, among other principles, the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of trade and international navigation, which are also enshrined in many international legal instruments,

"Concerned about the promulgation and application by Member States of laws and regulations whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, and the freedom of trade and navigation,

"Having learned of the recent promulgation of measures of that nature aimed at strengthening and extending the economic, commercial and financial embargo against Cuba,

"1. Calls upon all States to refrain from promulgating and applying laws and measures of the kind referred to in the preamble to the present resolution in conformity with their obligations under the Charter of the United Nations and international law and with the commitments that they have freely entered into in acceding to international legal instruments that, inter alia, reaffirm the freedom of trade and navigation;

"2. Urges States that have such laws or measures to take the necessary steps to repeal or invalidate them as soon as possible in accordance with their legal regime;

"3. Requests the Secretary-General to submit to the General Assembly at its forty-eighth session a report on the implementation of the present resolution;

"4. Decides to include the item in the provisional agenda of its forty-eighth session."

2. Pursuant to that request, by a note dated 14 April 1993 and a reminder dated 29 July 1993, the Secretary-General invited Governments to provide him with any information they might wish to contribute to the preparation of the report of the Secretary-General requested in paragraph 3 of the above resolution.

3. The present report reproduces the replies that had been received as of 28 September 1993. Further replies that might still be forthcoming will be reproduced as addenda to the present report.

4. Since the adoption of resolution 47/19 by the General Assembly, over 120 non-governmental organizations have written to the Secretary-General urging its prompt implementation. They are listed in documents A/INF/47/6 and Add.1.

II. REPLIES RECEIVED FROM GOVERNMENTS

ARGENTINA

[Original: Spanish]

[6 August 1993]

The Permanent Mission of Argentina wishes to state that the Argentine domestic legal regime does not contain any law or measure of the kind referred to in the preamble to the resolution in question.

BURKINA FASO

[Original: French]

[11 June 1993]

Burkina Faso has no laws or measures intended to strengthen or extend the economic, commercial and financial embargo imposed by the United States of America against Cuba. The Government of Burkina Faso will maintain its policy with a view to securing a lifting of the embargo against Cuba in accordance with paragraphs 1, 2 and 3 of General Assembly resolution 47/19, of 24 November 1992.

CAMBODIA

[Original: French]

[15 July 1993]

In the view of the National Provisional Government of Cambodia the embargo imposed against Cuba for more than 30 years has simply resulted in unjust suffering for the innocent people of Cuba. It is time to lift the embargo, in which process the United Nations should play a major role.

CAMEROON

[Original: French]

[7 May 1993]

The Cameroonian Government has not taken any legislative or statutory measure that would contravene General Assembly resolution 47/19.

CANADA

[Original: English]

[23 August 1993]

1. Canada has not promulgated or applied laws and measures of the kind referred to in the preambular part of resolution 47/19. Canada has issued an order to block compliance in Canada with an extraterritorial measure of the United States of America, section 1706 (A) (1) of the National Defense Authorization Act for fiscal year 1993 (the "Cuban Democracy Act"). The Government of Canada has informed the Government of the United States of its view that the provision of section 1706 of the Cuban Democracy Act should be amended or repealed so that it no longer purports to regulate the activities of Canadian companies in Canada.

2. The Government of Canada has also informed the Government of the United States of its concern about the provision of section 1706 of the Cuban Democracy Act that prohibits vessels that enter Cuba to engage in trade of goods or the purchase or provision of services from loading or unloading freight in the United States for 180 days after their departure from Cuba.

CHILE

[Original: Spanish]

[16 July 1993]

The Government of Chile has not adopted any legislation or administrative provisions such as those referred to in the preamble to General Assembly resolution 47/19.

CHINA

[Original: English]

[30 June 1993]

It has been the consistent opinion of the Government of the People's Republic of China that all peoples have the right to choose their own social systems and paths to development in accordance with their specific national circumstances. No other country has the right to interfere. Issues that arise between States should be settled through consultations, dialogues and negotiations on the basis of the Charter of the United Nations and international law. Economic sanctions, including embargoes, are not helpful to the settlement thereof.

COLOMBIA

[Original: Spanish]

[28 September 1993]

1. The Government of Colombia has observed the provisions of the said resolution in conformity with its obligations under the Charter of the United Nations and international law and, in particular, with the commitments it has freely entered into in acceding to international legal instruments that reaffirm the freedom of trade and navigation.

2. In particular, Colombia has refrained from promulgating and applying laws and regulations of the kind referred to in the preamble to General Assembly resolution 47/19, because it does not recognize the validity of the application of measures whose extraterritorial effects affect the sovereignty of other States.

CUBA

[Original: Spanish]

[25 June 1993]

1. Compliance with General Assembly resolution 47/19 would require the United States of America, as a member State of the international community and, in particular, a State Member of the United Nations, to refrain from "promulgating and applying laws and measures (...) whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation", and would further require the United States to take "the necessary steps" to repeal or invalidate existing laws or measures of this kind applied under the hostile policy of the United States towards Cuba.

2. The reality, however, is quite the contrary. The United States, continuing and intensifying its policy of an economic embargo against Cuba, is in violation of this resolution, as well as of the principles of the "sovereign equality of States, non-intervention and non-interference in their internal affairs, and freedom of trade and international navigation" reaffirmed in its preamble.

3. The extensive, in-depth debate held in the General Assembly on 24 November 1992 and the resolution adopted on that occasion confirm the illegal and unjust nature of the economic, commercial and financial embargo imposed by the Government of the United States against Cuba, and should lead, at the very least, to reconsideration of this absurd policy of aggression, which not only infringes upon the most elementary human rights of the people of Cuba but also the sovereign rights of third States.

4. Yet in open defiance of the will of the international community the Government of the United States has, rather, moved to strengthen the embargo with legislative measures, regulations, fraud, defamation and even pressure and blackmail against third parties; all in the context of a hostile framework of sanctions constructed and deployed with the express aim of overthrowing the political and economic system existing in Cuba and replacing it with one preferred by the United States.

5. In applying this policy the United States Government is not only failing to comply with General Assembly resolution 47/19, but is also in direct violation of General Assembly resolutions 38/197 of 20 December 1983, 39/210 of 18 December 1984, 40/185 of 17 December 1985, 41/165 of 3 December 1986, 42/173 of 11 December 1987, 44/125 of 22 December 1989 and 46/210 of 20 December 1991, which deplored the adoption of economic measures as a means of coercion against the sovereign decisions of developing countries. Equally, the United States Government is ignoring the express will of the Heads of State or Government of the Non-Aligned Countries, who, at their Tenth Conference, "urged the Government of the United States to cease its unneighbourly acts against Cuba and to terminate the series of economic, commercial and financial measures and actions imposed upon that country for over three decades, which have inflicted enormous material losses and economic damage ... they further called upon the United

States to resolve its differences with Cuba through negotiations on the basis of equality and mutual respect". 1/

6. The broad scope of the legislation and practices applied by the United States with the aim of bringing about the economic strangulation of Cuba has, from the outset, been extraterritorial in nature, with implications not only for Cuba but also for third countries as well as for the natural pattern of international economic relations. This was true even before and independently of the so-called Torricelli Act, which, with the aim of strengthening the embargo, has expressly formalized a de facto situation and reiterated the extraterritorial measures that the United States applied against Cuba during the 1960s.

7. The Government of the United States has failed to comply with General Assembly resolution 47/19 first of all in that its economic aggression against Cuba is based on federal and state laws and regulations, deliberately enacted in violation of international law in pursuit of a clearly defined aim of political coercion. The mere existence of these laws and regulations affects the sovereignty of Cuba as an independent State and represents an attempt at intervention and interference in the affairs of third States as well as in international freedom of trade and navigation, which are protected in a number of international legal instruments to which the United States is party. Since the adoption of General Assembly resolution 47/19, the Government of the United States has not taken any step, in legal or regulatory terms, to revise its policy, which it continues to pursue in blatant defiance of the principles of the Charter of the United Nations and the norms of international coexistence.

8. Further, since the adoption of resolution 47/19, the United States Congress has considered further legislative instruments emphasizing the extraterritorial nature of the embargo by making the eligibility of any foreign Government for economic assistance from the United States dependent on the nature of its commercial relations with Cuba. This is true of the clauses adopted on 16 June 1993 by the House of Representatives in the 1993 Foreign Aid Authorization Act.

9. Far from refraining from promulgating and applying new "laws and measures" or from "taking the necessary steps" to repeal or invalidate existing measures, as required under resolution 47/19, the United States Government is allowing and encouraging, in the states of the Union, the enactment of laws which constitute even more severe violations of international law aimed at imposing limits on sovereign States or on nationals of such States in their economic dealings with Cuba.

10. This is true of the act adopted on 20 May 1993 in the state of Florida which provides for legal and economic retaliation against any enterprise located or having interests in the state of Florida, which trades or has any kind of economic relationship with Cuba, irrespective of whether it be a private or state-owned enterprise.

1/ A/47/675/annex, chap. III, para. 78.

11. In this case it is not a question of simply infringing upon the sovereignty of other States by seeking to restrict the activities of United States subsidiaries in third countries, which has been condemned by the international community. This new law seeks to impose, from one area within the territory of the United States, limitations on the right of individuals, entities and Governments which do not under any circumstances fall under United States jurisdiction.

12. Failure to comply with resolution 47/19 is also reflected in the action actually taken by the United States, which, instead of repealing or invalidating its existing embargo policy, as required under the resolution, is bent on applying the embargo so as to cause the greatest possible impact. This conclusion emerges from the many démarches at the world level, both vis-à-vis Governments as well as private and public economic entities with economic interests relating to Cuba, on which we have specific, reliable information, which could be made available.

13. The intensity and scope of the activities carried out are characteristic of aggression by economic means, which, by creating economic difficulties for Cuba and by affecting the health, welfare, peace and life of the population, furthers the declared objective of overthrowing the political, economic and social system which the Cuban people has freely chosen. The United Nations should review and consider these acts in the light of the responsibilities conferred upon it under the Charter of the United Nations and in accordance with the purposes and principles of the Organization.

14. The Government of the United States has been exercising direct pressure on Governments in our region to hinder the establishment and development of commercial relations between such Governments and Cuba, and to prevent Cuba's entry into regional integration and coordination organizations in specific economic sectors, such as tourism. During 1992 the United States Government threatened several of these Governments, warning them of the "cost" of their commercial and economic relations with Cuba.

15. The United States Government, through official channels, has approached a group of Governments with which Cuba was negotiating agreements for the exchange of sugar, nickel and other products for supplies of oil in an attempt to prevent their being concluded. Three Latin American countries were the targets of such intimidatory action by the United States Government. In one case, pressure was not only directed against oil supplies, but also against the granting of technical assistance by that country to the Cuban oil industry.

16. The United States used the provisions of the so-called Torricelli Act, even before its entry into force, to intimidate these Governments, invoking the discretionary authority conferred by the Act on the President of the United States to impose sanctions against any country which provides assistance to Cuba.

17. An important member of the European Economic Community has been under severe pressure from the United States to withdraw credits from Cuba and has even been threatened with reprisals against its interests in the General Agreement on Tariffs and Trade (GATT). United States officials have openly admitted that their country's policy consists in pressuring other countries and

frustrating Cuba in its efforts to expand its commercial base, to which end they have made use of the tactic of engendering false fears that any commercial operation in Cuba carries a high risk.

18. In 1992 the United States Government undertook a systematic search for information on possible oil sales to Cuba, focusing on their origin. To this end the United States launched an offensive through its ambassadors to oil-producing countries in the Caribbean, Latin America, Africa, Asia and the Middle East to prevent oil sales to Cuba. Some of them received clear warnings from the United States that any sale to Cuba could have a negative impact on their relations with the United States and could obstruct the granting of credits by such agencies as the International Monetary Fund (IMF) and the World Bank.

19. In the case of the African countries the message was more specific, and they were warned that such restrictions in the World Bank and IMF could affect the granting of funds for drought-related programmes.

20. Pressure, direct and indirect, has also been exerted on various foreign enterprises that were negotiating with Cuba in connection with oil prospecting on the Cuban continental shelf. This happened with the French oil company, Total, whose offices in Paris were visited by United States Government emissaries alleging that the areas offered by Cuba for prospecting and exploitation had ownership claims legally registered prior to 1959.

21. With this same objective, the United States used consulting firms and scientific bodies both within and outside the United States as a channel to launch supposed studies for the purpose of spreading disinformation on the true prospects of finding oil in Cuba. The firm Petroconsult, which is affiliated with the University of Houston, Texas, is one of the institutions used to disseminate this disinformation.

22. The United States also floated rumors, through the international press, of the possible withdrawal from Cuba of some oil companies such as Total, with the intent of creating doubt and uncertainty regarding the real possibilities that oil exists in Cuba.

23. At least one Latin American Government and one European Government were visited by United States officials, who transmitted the serious concern of the United States Government regarding any type of cooperation with Cuba in transactions involving oil. In other cases in Latin America, at the end of 1992 the United States Government informed certain Governments of the highest levels that, under the Torricelli Act, Cuban commercial aircraft would no longer be supplied with fuel.

24. Another priority line of action for the United States Government in the implementation of the embargo has been to procure alternate sources of supply of sugar for the member States of the Commonwealth of Independent States (CIS) with a view to replacing Cuban sugar exports, thus depriving Cuba of income from this market.

25. Over the course of 1992, the United States took steps to assist some of these republics in identifying possible alternate sources of sugar and to

discourage them from reaching agreements with Cuba to exchange oil for sugar. These countries accepted the United States readiness to locate countries interested in exchanging sugar and to mediate between possible suppliers and the CIS.

26. Furthermore, the United States urged a group of Latin American and Caribbean Governments to participate in exchanges of sugar with the CIS, although it was aware that this trade practice is totally against their interests and runs counter to the privatization programmes that the United States itself is attempting to impose in the region, and that the CIS is not a viable market for those countries because of the great distances involved and its lack of convertible currency.

27. In Washington, the former Assistant Secretary of State for Inter-American Affairs, Bernard Aronson, personally made efforts in that direction, demonstrating the priority the American Government places on this issue. Aronson himself requested William Middendorf, former United States Ambassador to the Organization of American States (OAS) and currently president of a consulting firm dealing with investment and trade projects in Latin America, to gather necessary information on possible suppliers for the Government of a major Cuban trading partner in the region.

28. By mid-1992, that country's Ministry of Foreign Affairs had received a list of possible suppliers, obviously provided by the United States, which included several countries and private companies.

29. Throughout 1992, the neutralization of new agreements involving the granting of special credits to Cuba to facilitate its purchases of medicines or the sale by Cuba of pharmaceutical or biotechnological products was a constant of the United States policy of harrassment against Cuba. It was experienced most forcefully in Latin American countries. The United States Government put pressure on various Latin American Governments in an effort to obstruct Cuban sales of medical products to those countries. It also attempted to prevent Cuba from purchasing medicines, such as plasma, thyroid hormone, penicillin, antibiotics, alkaloids and cortizone, which are in short supply in that country.

30. This situation has not changed during 1993. The prohibition on the sale of medicines to Cuba by American companies has been maintained, along with the prohibition on the sale to Cuba of medicines, equipment or any type of medical supplies containing components, parts or replacement parts or technologies of American origin, by any company in any part of the world.

31. This is having a particularly significant impact on Cuba at present, because it is creating shortages that seriously compromise health programmes.

32. The United States Government has been pressuring companies in third countries to cut their economic ties with Cuba, invoking the restrictions imposed by the embargo and, more recently, by the Toricelli Act. The following are examples of such pressure:

- The United States pressured the British sugar company Tate and Lyle to cut its economic ties with Cuba after its representatives took part in a sugar industry event held in Cuba in May 1992.

- The communications firm Cable and Wireless, which is of British origin with a subsidiary in the United States, was warned by the United States Government that any investment in Cuba would result in the denial of the licence it had applied for in order to operate between Europe and Asia across the United States.

- In November 1992, the Mexican daily newspaper El Financiero revealed that strong pressure from the United States Embassy had been the real reason that the owners of the Maria Isabel Sheraton had cancelled a contract with Cuba.

- The same newspaper also revealed that the United States Ambassador, John D. Negroponte, had personally put pressure on the Grupo de Monterrey, in this case to prevent the establishment of a semi-public textile company with Cuba.

- The United States Government had obstructed the sale to Cuba of respiratory valves, connections, pressure chambers, nebulizers, micro-nebulizing flasks, etc., all of which are replacement parts for the Bird respirator, the most widely-used respirator in Cuba in intensive and intermediate care units and post-operative and asthma units, as well as by the emergency medical services.

- Executives of the Canadian firm, Eli Lilly Canada Inc., a manufacturer of medicines, stated that as a result of United States laws, specifically the Toricelli Act, they were prohibited from selling their products to Cuba. One of the executives specified that Eli Lilly Canada Inc. is a subsidiary of the United States firm Eli Lilly and Co. (the world's leading manufacturer of insulin) and that, even though its exports involved medicines intended for such common diseases as vascular and pulmonary disorders and cancers, because of its status as a subsidiary of a company based in the United States, it was prohibited from doing business with Cuba or Cuban companies.

- In October 1992, the Argentinian newspaper Pagina 12 reported that the two major grain companies operating in Argentina, Cargil SACI and Compania Continental CACINF, had decided to suspend their grain exports to Cuba as a result of the Toricelli Act.

33. The planned exports would have amounted to US$ 100 million for shipments of wheat, soya, kidney beans, green peas and lentils alone. The decision by Cargil and Continental was not based on particular interests of those companies, especially since their own executives admitted that it would seriously hurt them. Executives of Continental Grain (the parent company in the United States of Continental SACINF) admitted privately that they had been visited by United States Government officials who warned them that they must cut off trade with Cuba or see their company's interests seriously affected.

34. In an effort to intensify the embargo, the United States is also putting pressure against the marine transport sector with a view to limiting still further Cuba's opportunities to engage in external economic relations which are vital, given the country's circumstances, to the development of its economy.

35. Sources linked to shipping organizations in Europe were able to verify that, following the declaration by the former President of the United States, George Bush, closing United States ports to vessels carrying goods or passengers

from or to Cuba, the United States Government informed local European and Latin American companies that the United States authorities would seize or impose heavy fines on vessels that infringed the country's legislation.

36. As a result of the foregoing, the following events have taken place:

- A freight offer for a shipment of 25,000 tons of wheat was withdrawn because of the difficulties experienced by the exporter with Latin American shipowners in obtaining a rate for shipment to Cuba.

- Other wheat deliveries by European companies were also frustrated by the difficulty of dispatching vessels to Cuba.

- A major Asian company which used to transport Cuban goods from and to the Caribbean was forced to cancel its contract with Cuba because on the way, vessels were obliged to call at United States Pacific ports.

- Under the embargo legislation, the United States Department of the Treasury recently arrogated to itself the right to freeze a bank transfer issued by a Latin American bank to the Havana International Bank, based in London, through the Atlantic Bank of the United States. The transaction was connected with a credit line authorized by the Mambisa Shipping Company of Cuba to cover the cost of transporting agricultural machinery.

37. In the course of 1993, the situation has deteriorated to extreme levels because of the refusal of shipowners to operate in the face of the strong pressure to which they are subjected, thus creating serious difficulties in the transport of basic food supplies for the Cuban population.

38. Tourism has also been the target of United States government action. Canadian travel agencies are now unable to make travel reservations from and to Cuba, or even from and to third countries, because the United States concern whose database is used by the Canadian companies' computerized reservations system decided on 20 June 1993 to withdraw that service, and thus forcing the Canadian companies to join in the embargo although it was not in their interest or their intention.

39. United States aggression has reached the point of seeking to prevent even humanitarian aid. The difficulties encountered by the "Va por Cuba" movement were the result of these pressures. Officials of the United States Embassy in Mexico City personally took on the job of pressuring PEMEX officials to prevent arrangements for the dispatch of the vessel.

40. The United States has also acted to prevent Cuba from receiving other donations, such as that offered by the Italian company Enel Spa, valued at US$ 4 million, to the Electrical Union of the Cuban Ministry of Basic Industries. While it was arranging for the dispatch of the aid, Enel received a note reminding it to bear in mind the company's close trade and financial links with the United States and warning it of the negative consequences that might ensue from such action under the Torricelli Act.

41. There are many ways of measuring the effect of this aggression against Cuba, both economic and social, and enough has been written about it by experts of various kinds. What is needed is an in-depth, impartial study by the United Nations; such a study is entirely within the Organization's terms of reference and Cuba is ready to provide full information for that purpose. The inevitable conclusion is that the only reason the suffering inflicted on the Cuban people by the United States has not yet reached unbearable levels is the fair and equitable social policy characteristic of the revolutionary process which guarantees the Cubans' national unity and firm will to resist. Nevertheless, the economic and social effect is marked and undeniable, and undoubtedly constitutes a flagrant and massive violation of the human rights of the Cuban people.

42. At a conservative estimate, Cuba has lost more than US$ 40 billion because of the embargo, the equivalent of approximately twenty times its current account earnings for 1992. The repercussions have been felt in nearly all branches of the economy and have been building up for more than 30 years, causing changes in the population's consumption patterns, massive reversals in the industrial and transport sectors, difficulties in regard to scientific and technological development, and major shortages of certain consumer items.

43. Goods have to be purchased at very high prices, because supply is restricted and Cuba is charged for the risk that the seller assumes in trading with an enemy of the United States. Similarly, Cuba has to sell at a discount, all of this being the result of a type of economic relations not established by law but subject to the reality of a policy of war unleashed by the world's strongest economic, technological and military Power.

44. As a result of the pressures and obstacles imposed by the embargo, Cuba has to look to very distant markets for its imports, which makes transport costs more expensive. At the same time, it is forced to keep large stockpiles in cold storage and warehouses, further adding to the expense.

45. The restrictions on the freedom of navigation of merchant vessels involved in trade with Cuba have meant delays of varying length in the acquisition of imports, have added to the existing shortages of basic products for the people and, inter alia, have made it even more difficult to guarantee the supply of materials vital to the continued operation of the national health programmes, and caused stoppages in industries that produce goods for direct consumption by the people or export items.

46. For example, in 1992, Cuba paid an extra US$ 41.5 million because of price differentials just for the cereals, chicken and milk needed as basic foodstuffs for the population. On freight, it lost more than $85,000,000; freight charges for fuel rose 43 per cent for Cuba and those for other goods tripled. Likewise, in the first four months of 1993, the country was forced to pay an estimated $US 1,329,876 above market prices for freight for imports of cereals, flour and cooking oil alone.

47. Cuban assets from telecommunications unlawfully frozen in the United States amount to more than US$ 102 million; this sum increases by more than $7 million every year in terms of principal, plus interest.

48. As a result of the economic pressures and the additional difficulties in the international trade in sugar, Cuba's principal source of income, the country finds itself obliged to place all its exportable production on the residual market, where it fetches roughly half what it is traded for on the principal markets. Furthermore, as Cuba cannot quote a price for its sugar on the New York Exchange, because of the embargo, it is forced to give its clients a discount, in addition to the already residual price on the world market, thereby reducing its earnings by an additional 13 million United States dollars.

49. To all this should be added the enormous losses that the country suffers from being unable to carry out its economic transactions in United States dollar. The embargo regulations prohibit the banks of third countries from maintaining accounts denominated in United States dollars for Cuba or for Cuban nationals. They also prohibit the use of the currency or of United States dollar accounts in transactions between nationals of third countries and Cuban nationals. Obviously, given the weight of this currency in the international economy, the losses incurred in monetary transfer and exchange rates are substantial.

50. The whole situation worsened in the last few months of 1992 and in 1993 as the impact of the so-called Torricelli Act began increasingly to be felt, since the formal legalization of the embargo's extraterritorial scope has affected many transactions which until then had been continuing despite the existing difficulties.

51. The implications of the situation outlined above demonstrate the nature of those who initiate and carry on a war of this kind, the effects of which are largely inhumane. This is evidenced by the fact that, from the outset, foodstuffs and medicines were included in the group of products manufactured in the United States or containing or produced with any component of United States origin, to which the Cuban people are denied access. At the same time, it can be shown that Cuba's trade with the subsidiaries of United States companies, which was the primary target of the 1992 Torricelli Act, covers essentially the purchase of food and medical supplies vital to the basic consumption of the Cuban people.

52. This is borne out by official information published annually by the United States Department of the Treasury, in a special report analysing licensed trade with Cuba of foreign subsidiaries of United States companies.

53. As a result, medicines and the raw materials for their production in Cuba have to be bought in far-off markets and are subject to the difficulties in terms of additional costs, freight charges, insurance premiums, etc. to which all Cuba's trade is subjected.

54. A recent example of this relates to imports designed to counteract the effects of the outbreak of the disease known as "epidemic neuropathy". Approximately $237,448 had to be appropriated to airfreight from Europe a partial shipment of an order of vitamins and inputs for the manufacture of tablets to be supplied to those affected by the disease and to the population in general as a preventive measure. Had the economic blockade measures not impeded access to the United States market for the purchase of those products, the appropriation could have been reduced by US$ 181,548.

55. It must be reiterated that, but for the fair and equitable manner in which wealth is distributed in the country and the result of over 33 years of well-targeted investment in the social sector aimed at improving the standard of living, diet, health, education and enhancing the dignity of the Cuban people, those measures would have had a much harsher direct impact on the population. However, this does not absolve the United States Government of responsibility for committing one of the longest standing and most defiant crimes of recent history, nor does it free the United States Government from its international obligations under General Assembly resolution 47/19, the principles of the United Nations and international law.

ANNEX

[Original: Spanish]

[3 August 1993] 1/

1. The Government of Cuba learned that instead of striving to comply with General Assembly resolution 47/19, the United States Government has carried out activities that constitute a flagrant violation of the provisions of that resolution, providing further proof of the United States Government's disdain for the decisions of the General Assembly and its disrespect for the principles of international law.

2. In adopting resolution 47/19, the General Assembly rejected in particular the Cuban Democracy Act ("Torricelli Act") enacted by the United States on 23 October 1992. During the debate that led to the adoption of the resolution, a considerable number of States Members condemned this Act among other things because of its unacceptable intention to legalize the extraterritorial nature of United States economic aggression against Cuba and its declared aim to apply coercion, through the tightening of the already vast economic blockade imposed against Cuba which has been in force for over 30 years in order to force Cuba to abandon the political and economic system that its people as a sovereign nation have freely selected.

3. The United States Government has implemented the Cuban Democracy Act in complete disregard of the will of the international community as expressed by the General Assembly. On 4 July 1993, all the federal agencies were instructed to take all appropriate measures within their jurisdiction including the enactment of laws and regulations designed to enforce the provisions of the above-mentioned Act. Thus, new methods have been devised for the implementation of this extraterritorial blockade since other mechanisms are established to violate the sovereignty and disregard the legitimate rights of all those countries that decide of their own free will to maintain or try to maintain any type of economic relations with Cuba.

4. Pursuant to this Executive Order, the United States Department of the Treasury enacted a set of regulations that reaffirm and implement the Cuban Democracy Act. Other agencies such as the Commerce Department are also expected to publish their own regulations soon.

5. The new Treasury Department regulations are intended to give effect to the Cuban Democracy Act and expand and strengthen the blockade through provisions that:

1/ In a further note verbale dated 3 August 1993, the Permanent Representative of Cuba communicated to the Secretary-General: "Further facts to be added to those already transmitted by the Minister for Foreign Affairs, Mr. Roberto Robaina González, in his letter dated 25 June 1993". The contents of that further note verbale are reproduced in this annex.

(i) Prohibit companies established and with offices exclusively in third countries from engaging in any transactions with Cuba simply because they are owned or controlled by United States nationals, thus contravening the laws of the countries where such companies are established;

(ii) Extend this prohibition to third-country companies, including in regard to the sale of medicines and medical supplies to Cuba or donations of medicines and medical supplies to the Government of Cuba;

(iii) Prohibit third-country vessels from calling at any port in the United States to load or unload freight for 180 days after departing a Cuban port they had entered to engage in the trade of goods or services; and

(iv) Close United States ports to third-country vessels carrying goods or passengers to or from Cuba or carrying goods in which Cuba or Cuban nationals have an interest.

6. The United States Department of the Treasury has even ensured through its regulations that the provisions concerning third-country vessels are given the widest possible interpretation and have a wider scope than was originally intended by the Cuban Democracy Act. It has decreed that the closure of United States ports to third-country vessels carrying Cuban goods also applies to refuelling and the loading of ships' provisions in Cuba. Thus, if a third-country vessel offloads its entire cargo in Cuba it is still prohibited from entering United States ports if it refuels or takes on a load of provisions in Cuba for its crossing. Similarly, the Treasury Department has decided to apply the 180-day ban to third-country vessels that refuelled or loaded provisions or were repaired during their stay in any Cuban port, even if such vessels did not load or unload goods.

7. The Government of Cuba has all the relevant evidence that the United States Government is strictly enforcing the provisions relating to vessels. It is known that, among other measures, the United States authorities require third-country vessels to certify that they are not carrying goods or passengers to or from Cuba and that they have not called at any Cuban port during the preceding 180 days for the purpose of engaging in the trade of goods or services before allowing them to enter United States ports.

8. Even before the Executive Order was issued and the Treasury Department regulations were approved, the Cuban Democracy Act was having a severe impact on the Cuban economy and society. The principal author of this piece of legislation in the United States Congress, Congressman Torricelli, noted in a letter that appeared on page 219 of the summer 1993 issue of Foreign Affairs that the principal effect of the action in which he played a leading role has been to add about a 15 per cent surcharge to Cuba's cost of doing international business.

9. The above-mentioned Treasury Department regulation constitutes additional proof that the United States Government is not observing General Assembly resolution 47/19 and that its aim is to try to subvert the economic, political and social system of Cuba and to inflict hardship on the Cuban people. It is

obvious that this goes against the views and will of the international community.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

[Original: English]

[30 June 1993]

1. The Government of the Democratic People's Republic of Korea regrets that, since the adoption of resolution 47/19, no tangible measures have been taken to terminate the embargo. The Cuban people are now even having difficulties in the procurement of medical and food supplies, which belong to the category of humanitarian goods. Moreover, the embargo is imposing unjustified losses on other countries which have economic, commercial and financial relations with Cuba.

2. The Government of the Democratic People's Republic of Korea believes that States Members of the United Nations should respect the right to choose their own system. Socialism in Cuba is the idea chosen by the Cuban people themselves and it should not be used as an excuse to enforce a blockade against Cuba.

3. The Government of the Democratic People's Republic of Korea would like to urge the United Nations to do whatever it can to end the economic, commercial and financial embargo aimed at Cuba in conformity with international law, the Charter of the United Nations and, especially, paragraph 2 of resolution 47/19.

DOMINICAN REPUBLIC

[Original: Spanish]

[9 September 1993]

The Dominican Republic does not have any laws or measures of the kind referred to in resolution 47/19; furthermore, we have declared, at meetings of international organizations, that we support freedom of world trade and therefore reject any restrictive trade practices or protectionist measures. Unfortunately, some of these practices still flourish in major areas of world economic activity.

ECUADOR

[Original: Spanish]

[11 August 1993]

The view of the Government of Ecuador was clearly expressed in the statement of its representative when he voted in favour of General Assembly resolution 47/19. Moreover, it should be noted that paragraph 68 of the final document (A/48/291, annex), signed by the President of Ecuador and the other

heads of State and Government who participated in the third Ibero-American Summit of Heads of State and Government held at Salvador de Bahia, Brazil, in July 1993, reads as follows:

> "We note the resolutions recently adopted in international forums on the need to eliminate the unilateral application of economic and trade measures by one State against another for political purposes."

EL SALVADOR

[Original: Spanish]

[10 September 1993]

The Government of El Salvador, fully aware of the need to work towards the attainment of the purposes and principles set out in the Charter of the United Nations, especially those regarding the sovereign equality of States, the settlement of international disputes by peaceful means, and the non-use of force or the threat of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, declares its intention to abide by the resolution adopted by the United Nations General Assembly on 24 December 1992.

The Government of El Salvador informs the Secretary-General of the United Nations that, as a State committed to respecting international law and faithful to its international legal commitments, which establish, inter alia, freedom of trade and navigation, it has neither promulgated nor applied laws or measures of the kind referred to in the preamble to General Assembly resolution 47/19.

GHANA

[Original: English]

[27 July 1993]

The Republic of Ghana has no laws and regulations whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation as envisaged in resolution 47/19.

GUYANA

[Original: English]

[6 August 1993]

1. Guyana wishes to advise that paragraphs 1 and 2 of the said resolution do not apply to Guyana. Guyana has full diplomatic and economic relations with Cuba and there are no laws or measures existing in Guyana which restrict the

economic and financial relations between Guyana and Cuba. It is the view of Guyana that the embargo against Cuba should be lifted.

2. It may be recalled that Guyana abstained on the above vote, with an explanation of vote after the vote. In the context of the spirit of rapprochement developing in this post-cold-war period and in the search for peace and sustainable development, Guyana cannot support the continuation of the embargo. Guyana wishes to record that it would reconsider its vote on any similar resolution at the forthcoming session of the General Assembly.

INDIA

[Original: English]

[29 June 1993]

India voted in favour of the resolution and subscribes to the views expressed in it. It has not promulgated or applied laws and measures of the kind referred to in the preambular part of the said resolution and as such does not have the necessity of repealing or invalidating any such laws or measures.

KENYA

[Original: English]

[9 August 1993]

The Government of the Republic of Kenya has no restrictive laws of the kind referred to in the preambular part of General Assembly resolution 47/19 of 24 November 1992.

LESOTHO

[Original: English]

[26 April 1993]

1. The Government of the Kingdom of Lesotho has never promulgated and applied any laws and regulations whose extraterritorial effects affected the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation.

2. The foreign policy of the Government of Lesotho has always been guided, inter alia, by the principle that States shall refrain in their international relations from the threat of use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations; the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered; and the principle concerning

the duty not to interfere in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations.

3. Because of its size and geopolitical location, Lesotho's situation is parallel to Cuba's in many ways. Lesotho, therefore, does not subscribe to laws and regulations whose effects are negative to international norms and practices as embodied in the Charter of the United Nations.

MEXICO

[Original: Spanish]

[25 May 1993]

In that Mexico pursues non-discriminatory trade practices and does not recognize the extraterritorial application of domestic laws, the Government of Mexico has not applied any laws or measures of the kind referred to in the preamble of resolution 47/19.

PHILIPPINES

[Original: English]

[23 July 1993]

The Philippines abstained on resolution 47/19 on ending the economic and financial embargo against Cuba in view of its long-standing policy in the United Nations not to resort to name-calling; however, the Philippine Government sympathizes with Cuba on this matter and supports the provisions of General Assembly resolution 47/19 calling for an end to the economic and financial embargo against Cuba. The Philippines believes that a local law imposing embargoes against a particular State has objectionable extraterritorial effects on the sovereign prerogatives of a third State.

RUSSIAN FEDERATION

[Original: Russian]

[19 July 1993]

The Russian Federation has consistently opposed the policy of economic, political or any other form of isolation of States. Decisions taken by the international community that are binding in nature (sanctions), are the sole exception to this rule. In that connection, the unilateral sanctions of the United States of America directed against Cuba naturally cannot fail to arouse concern.

At the same time, we proceed from the premise that problems of this kind should be resolved through constructive dialogue between the United States and Cuba in the context of a search for ways of normalizing relations between the

two countries. The Russian Federation has communicated this position to the United States and to Cuba on more than one occasion. After the United States Congress passed the "Torricelli law", we expressed our view clearly, stating that this legislation is detrimental to the interests of a number of States, including the Russian Federation, and moreover that some of its provisions conflict with basic norms of international law.

The Russian Federation is of the view that the continuation, indeed in some respects intensification, of the United States embargo on Cuba is having an adverse affect on the living conditions of broad segments of the Cuban population, impeding the beginnings of a process of radical economic reform on the island and preventing the fuller integration of Cuba into international and Latin American economic structures.

The Russian Federation consistently advocates a relaxation of tensions around Cuba and is promoting this by taking practical steps to de-ideologize Russian-Cuban relations and to put them on a new, mutually beneficial and equitable footing that is more consistent with generally recognized norms of inter-State relations. We support the normalization of United States-Cuban relations and are in favour of the problems existing between the two neighbouring States, including the trade and economic aspects of those problems being resolved in a civilized manner through dialogue based on mutual respect and equal rights.

SAMOA

[Original: English]

[3 August 1993]

Western Samoa has neither promulgated nor applied any laws and measures of the kind referred to in the preamble to resolution 47/19.

SPAIN

[Original: Spanish]

[4 May 1993]

With regard to paragraph 1 of the resolution, Spain has never promulgated nor applied, in relation to Cuba, any laws or measures which might entail infringement of the latter's sovereignty or intervention in its internal affairs, or violation of the freedom of trade or navigation.

With regard to paragraph 2 of the resolution, this paragraph is not relevant, in that no such laws or measures exist in Spain.

SYRIAN ARAB REPUBLIC

[Original: Arabic]

[15 July 1993]

The Chargé d'affaires of the Permanent Mission of the Syrian Arab Republic to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to his note No. AD/CUBA/1 dated 14 April 1993 concerning General Assembly resolution 47/19 on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, has the honour to transmit to the Secretary-General the following reply of the Government of the Syrian Arab Republic on this subject:

> "In keeping with the original position of the Syrian Arab Republic regarding the item entitled 'Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba', the Permanent Mission of the Syrian Arab Republic voted in favour of resolution 47/19, which stresses compliance with the purposes and principles enshrined in the Charter of the United Nations, the sovereign equality of States, non-intervention in their internal affairs and freedom of trade and international navigation and calls for the necessary steps to be taken as soon as possible to end the economic, commercial and financial embargo imposed against Cuba for more than 30 years."

The Chargé d'affaires of the Permanent Mission of the Syrian Arab Republic takes this opportunity to convey to the Secretary-General of the United Nations the assurances of his highest consideration.

TRINIDAD AND TOBAGO

[Original: English]

[6 July 1993]

Trinidad and Tobago has not promulgated any law, applied any measure or entered into any previous or new international agreement pertaining to trade with Cuba.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[23 August 1993]

1. The United Kingdom of Great Britain and Northern Ireland enjoys normal diplomatic and trade relations with Cuba.

2. The Government of the United Kingdom has made clear its opposition to the extraterritorial extension of the United States embargo against Cuba in the Cuban Democracy Act of 1992. In October 1992, the United Kingdom invoked the

Protection of Trading Interests Act 1980. It is now an offence in United Kingdom law for any person in the United Kingdom to comply with the specified parts of the United States Cuban Assets Control Regulations.

3. The Government of the United Kingdom does however consider the United States embargo against Cuba to be a matter for the two Governments concerned and therefore believes that the General Assembly is an inappropriate forum in which to discuss this bilateral issue.

URUGUAY

[Original: Spanish]

[19 August 1993]

Whereas Uruguay has traditionally pursued a foreign policy that encourages freedom of trade without any type of restrictions and for its part, does not recognize in its legislation the extraterritorial application of domestic laws, the Government of the Eastern Republic of Uruguay has not applied any measures or laws of the kind referred to in the preamble to resolution 47/19.

VENEZUELA

[Original: Spanish]

[21 June 1993]

1. Venezuela has complied fully with the provisions of resolution 47/19, in conformity with its unswerving commitment to see to the full implementation of the principles and purposes contained in the Charter of the United Nations and the rules of international law, and the protection of jurisdictional sovereignty and freedom of trade and navigation.

2. Venezuela has therefore opposed the promulgation and application of laws and regulations whose extraterritorial effects affect the sovereignty and the legitimate interests of entities or persons under its jurisdiction; it has termed such action unacceptable.

VIET NAM

[Original: French]

[30 August 1993]

1. Resolution 47/19, the content of which is compatible with international laws and has won the support of the international community, should be seriously implemented.

2. A year has elapsed since that resolution was adopted, and Cuba continues to suffer from the policy of blockade and embargo. This has further increased the

difficulties encountered by the Cuban people in the process of building and developing Cuba which was recently ravaged by natural disasters.

3. At its forty-eighth session, the General Assembly must decide on more specific and effective measures to put an end to the economic, commercial and financial blockade against Cuba and to help the Cuban people overcome the difficulties resulting therefrom.

4. Viet Nam has not promulgated laws and has never applied measures of the kind referred to in the preamble of the resolution. Viet Nam has consistently maintained that it is necessary to put an end to the policy of economic, commercial and financial blockade against Cuba and to the application of laws and measures whose extraterritorial effects affect the sovereignty and interests of other States.

5. Based on a spirit of solidarity and understanding towards the Cuban people, the Government of the Socialist Republic of Viet Nam has, during the past year, embarked on a series of support activities which include campaigns to collect rice and other materials to assist the Cuban people to overcome the difficulties resulting from the aforementioned policy of blockade and the natural disasters.

YEMEN

[Original: Arabic]

[9 August 1993]

With reference to the letter dated 14 April 1993 from the Secretary-General of the United Nations concerning paragraph 3 of General Assembly resolution 47/19 of 24 November 1992 concerning the United States embargo imposed against Cuba, the Republic of Yemen was one of the States which supported the resolution, and it is committed to the provisions of paragraphs 1 and 2 thereof.

It should be known that Yemen endorses the peaceful settlement of conflicts and disputes between States through dialogue and negotiation. It does not support the use or threat of force, intervention or coercion.

It also hopes that the United Nations will exercise its powers to spread and promote confidence and mutual understanding, and it supports absolute sovereignty for all States and implementation of the purposes and principles of the Charter of the United Nations without discrimination or partiality.

On the other hand, it believes that the imposition of an international embargo might be considered in the following cases:

1. Where international peace and security are jeopardized;

2. Where a State imposes or pursues a policy based on discrimination between its citizens that leads, inter alia, to denial of their enjoyment of their political, economic, cultural and social rights;

3. Where any people is denied the exercise of its rights as prescribed by international laws and resolutions;

4. It in inadmissible for a State to pursue a policy of embargo against a third party owing to the existence of a dispute between the State concerned and another State with which it is in conflict or dispute.

Those are the constants which must be affirmed.

ZIMBABWE

[Original: English]

[19 July 1993]

Zimbabwe believes that differences between States should be resolved through negotiations and dialogue as called for in the Charter of the United Nations. That is why Zimbabwe supported resolution 47/19. Zimbabwe has not promulgated or applied laws and regulations which have extraterritorial elements that impact negatively on the right of every State to engage in international trade and other forms of international cooperation.